

- SUBJECT:** Requiring licenses for deaf and hard of hearing interpreters
- COMMITTEE:** Human Services — committee substitute recommended
- VOTE:** 5 ayes — Raymond, N. Gonzalez, Naishtat, Rose, Zerwas
4 nays — Fallon, Klick, Sanford, Scott Turner
- WITNESSES:** For — Joseph Berra, Texas Civil Rights Project; Billy Collins; Larry Evans, Texas Association of the Deaf; Amber Farrelly; Heather Hughes, Deaf Action Center; David Myers, Texas Association for the Deaf; Erma Webb, Texas Society of Interpreters for the Deaf; (*Registered, but did not testify*: Stacy Landry, Travis County Services for the Deaf and Hard of Hearing)

Against — Benna Timperlake; (*Registered, but did not testify*: Brent Connett, Texas Conservative Coalition)

On — Lori Breslow, Department of Assistive and Rehabilitative Services; (*Registered, but did not testify*: David Hagerla, Department of Assistive and Rehabilitative Services)
- BACKGROUND:** Human Resources Code, sec. 81 establishes for persons who are deaf or hard of hearing an optional interpreter certification and registry program, among other services.
- DIGEST:** CSHB 2072 would require that a person obtain a license to practice as an interpreter for persons who were deaf or hard of hearing. The Department of Assistive and Rehabilitative Services (DARS) would develop guidelines and requirements governing the licensure and qualifications of practicing interpreters.
- The licensure program established by CSHB 2072 would:
- permit interpreters with licenses from other jurisdictions to obtain a similar license in Texas without an exam;
 - apply equally to court interpreters; and
 - transfer some rule-making authority to the executive commissioner of the Health and Human Services Commission (HHSC).

The bill would not apply to religious or family settings, emergencies, video relay interpreting, supervised trainees, infrequent interpreters with out-of-state licenses, or to or others exempted by DARS.

In replacing the current certification option with a licensing requirement, the interpreter program would remain substantially similar in its provisions to appoint a seven-member advisory board to administer the program; develop guidelines to determine interpreter qualifications, examination procedures, and license renewal; require fees for exams, license renewal, and publications; allow licenses to be valid for five years; assist in interpreter training and continuing education; adopt rules for determining denial, suspension, and revocation of licenses; and issue provisional licenses.

Persons would not be required to hold licenses until September 1, 2014. CSHB 2072 would allow DARS to issue licenses without exams to those holding valid certifications on the bill's effective date. The bill would require the executive commissioner of HHSC, in consultation with DARS, to adopt implementing rules by September 1, 2014.

This bill would take immediate effect if finally passed by a two-thirds record vote of the membership of each house. Otherwise, it would take effect September 1, 2013.

**SUPPORTERS
SAY:**

CSHB 2072 would protect and improve the lives of the deaf and hard of hearing population by requiring licenses to ensure that interpreters were skilled professionals. Because the current certification program is voluntary, unqualified individuals can be hired to provide this necessary service to a vulnerable population. While opponents express concern that the new license requirements could cause a shortage of interpreters, the bigger problem is that the poor quality of many interpreters can be particularly dangerous in legal and medical situations. New technologies also are allowing skilled interpreters to remotely provide services to the deaf and hard of hearing. The bill would help allow for the deaf and hard of hearing population to interact more fully in society, including in the job market.

Deaf and hard of hearing individuals are often given only the option of accepting an unqualified interpreter or not receiving services. The lack of a required licensing program also prevents providers and consumers from

determining an interpreter's qualifications and submitting feedback on his or her performance. These conditions may explain why interpreter quality has not improved on its own. Professionalizing interpreting would attract more people to the industry.

CSHB 2072 would be a common sense extension of DARS' current regulatory authority. The bill would not necessarily appropriate funds, and were it to do so the Legislative Budget Board estimates the cost to the state would be only \$98,000 over the biennium.

**OPPONENTS
SAY:**

CSHB 2072 would unnecessarily expand government and could lead to a shortage of interpreters. Licensing requirements and fees raise barriers to entering this job market. While this might increase licensed interpreters' wages, it ultimately would decrease the number of practicing interpreters, limiting the deaf and hard of hearing community's access to these services.

The current interpreter certification program is sufficient to provide quality services to the deaf and hard of hearing population. Although the desire for improved services is understandable, there is no compelling state interest that justifies intervention to this extent. The bill would create numerous exemptions to the licensing requirement, which suggests that a new state law is likely not justified. The free market would be a better option to correct for any problems in the current program.

CSHB 2072 not only would create a new program with a new set of regulations, but the Legislative Budget Board estimates it would cost the state \$98,000 over the biennium.